

REMARKS

Claims 1, 2, 40-43, and 45-80 were presented for examination and were rejected. New claims 81-88 have been added to the instant application.

Independent claim 1 has been amended to recite the limitations of claim 41. Accordingly, claim 41 has been cancelled without prejudice and the applicants reserve the right to represent the subject matter of the cancelled claim in this or another application.

Additionally, claim 42 has been amended to recite the limitations of claim 50. Accordingly, claim 50 has been cancelled without prejudice and the applicants reserve the right to represent the subject matter of the cancelled claim in this or another application.

The applicants respectfully request reconsideration in light of the foregoing amendments and the following comments.

35 USC § 103 Rejection of Claims 1, 2, 40-43, 45-50, and 52

Claims 1, 2, 40-43, 45-50, and 52 were rejected under 35 USC § 103 as being obvious over the combination of US Patent Application Publication No. 2003/0120257 (hereinafter "*Houston* '257"), US Patent Application Publication No. 2004/0037986 (hereinafter "*Houston* '986"), and US Patent No. 5,556,426 (hereinafter "*Popadiuk*").

Independent claim 1 has been amended to recite the limitations of claim 41 to more particularly point out and distinctly claim the subject matter the applicants regard as the invention. The applicants respectfully submit that the rejection is overcome for at least the reasons discussed below.

Independent claim 1, as amended, recites:

<p>1. A tubular conduit comprising:</p> <p> a tubular portion comprising an inside and an outside and being made from a flexible material;</p> <p> an axially extending external helical formation located around the outside of the tubular portion for supporting the tubular portion; and</p> <p> an axially extending internal helical protrusion located around the inside of the tubular portion for imparting a helical flow to a fluid passing through the tubular portion, having a different helix angle from the external helical formation;</p>

wherein the axially extending internal helical protrusion comprises a section of the tubular portion deformed by an axially extending deformation helix; and

wherein the external helical formation and the axially extending deformation helix are made from the same material.

(emphasis supplied)

Nowhere do Houston '257, Houston '986, and Popadiuk, whether considered individually or in any combination, teach, suggest, or motivate what amended claim 1 recites — namely, a tubular conduit:

- wherein the axially extending internal helical protrusion comprises a section of the tubular portion deformed by an axially extending deformation helix, and
- wherein the external helical formation and the axially extending deformation helix are made from the same material.

The basis for this amendment can be found in cancelled claim 41 and paragraphs [0071], [0072], and [0082] of the US published specification. These paragraphs describe making the tubular conduit using a single injection of molten polyurethane (or alternative polymer) into the moulding blocks to produce both the external helical formation and the deformation helix. Following this same method leads to a tubular conduit with both helical formations made from the same material.

In contrast to this feature of the present invention, as defined in amended claim 1, none of the cited prior art discloses or suggests a conduit with both an external helix and an internal helical formation. As such, the feature of specifying that both helices are made from the same material is novel and non-obvious over the cited art.

Further, the technical advantages of the limitations recited in amended claim 1 are not present in the cited prior art. More specifically, the technical advantages to having both the external helical formation and the axially extending deformation helix — made of the same material — is that it allows for a simplified method of manufacture. This comprises a single step of flowing moulding liquid over a blank graft which, using the relevant mandrel and mould, allows the production of both helical formations simultaneously. This advantageous feature of the present invention has cost and efficiency benefits.

For at least the reasons discussed above, Houston '257, Houston '986, and Popadiuk do not anticipate or obviate amended claim 1, whether considered individually or in any combination. As a consequence, claim 1, as amended, is allowable.

Since claims 2, 40, 42, 43, 45-49, and 52 depend on amended claim 1, and because amended claim 1 is believed to be allowable for the reasons presented, these dependent claims are likewise allowable. Moreover, the recitation of additional patentable features recited in these dependent claims provides an additional basis for their patentability.

35 USC § 103 Rejection of Claim 51

Claim 51 was rejected under 35 USC § 103 as being obvious over the combination of Houston '257, Houston '986, Popadiuk, and US Patent No. 5,827,327 (hereinafter "*McHaney*"). The applicants respectfully submit that the rejection of claim 51 is overcome for at least the reasons discussed below.

With respect to amended claim 1, the secondary reference of *McHaney* fails to cure the deficiencies of Houston '257, Houston '986, and Popadiuk discussed above. As a consequence, the art of record, whether considered individually or in any combination, fails to anticipate or obviate amended claim 1.

Since claim 51 depends on amended claim 1, and because amended claim 1 is believed to be allowable for the reasons presented, this dependent claim is likewise allowable. Moreover, the recitation of additional patentable features recited in this dependent claim provides an additional basis for its patentability.

No Waiver

All of the applicants' arguments are without prejudice or disclaimer. The applicants reserve the right to discuss the distinctions between the applied art and the claims in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Office, the applicants do not acquiesce to the Office's additional statements. The distinctions discussed by the applicants above are sufficient to overcome the rejections.

Request for Reconsideration Pursuant to 37 CFR § 1.111

Having responded to each and every ground for objection and rejection in the last Office action, applicants respectfully request reconsideration of the instant application

pursuant to 37 CFR § 1.111 and request that the Examiner allow all of the pending claims and pass the application to issue.

If there are remaining issues, the applicants respectfully request that Examiner telephone the applicants' attorney so that those issues can be resolved as quickly as possible.

Respectfully,
Robert Gordon Hood et al.

By /Henry Vuu/
Henry Vuu
DeMont & Breyer, LLC
Attorney for Applicants
Reg. No. 62865
732-578-0103 x224

DeMont & Breyer, L.L.C.
Suite 250
100 Commons Way
Holmdel, NJ 07733
United States of America